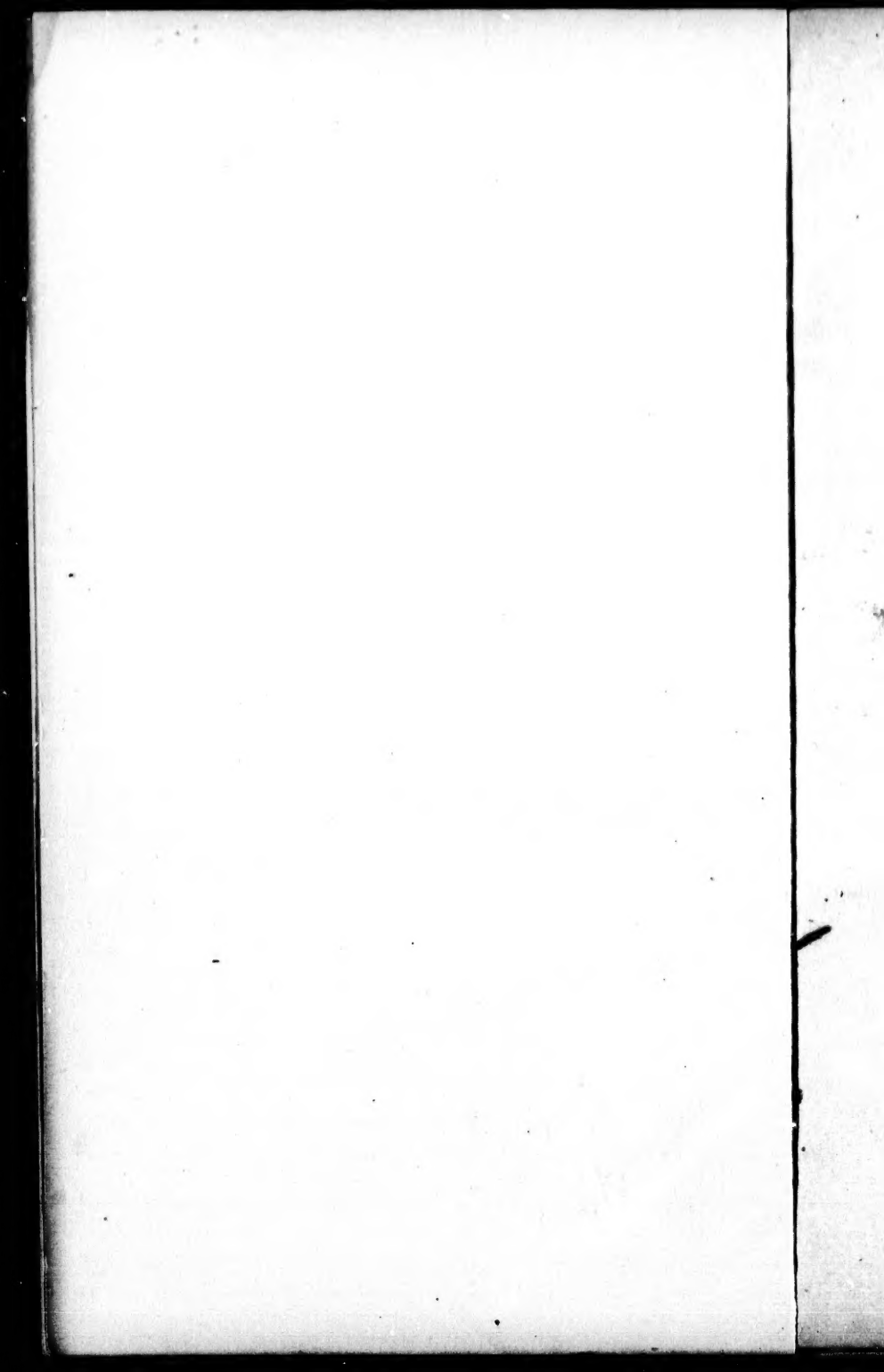




OBSERVATIONS

ON THE

IMPRESSMENT OF

AMERICAN SEAMEN

BY THE OFFICERS OF SHIPS OF WAR, AND VES-
SELS COMMISSIONED BY, AND ACTING
UNDER THE AUTHORITY OF

GREAT BRITAIN;

WITH A FEW REMARKS ON THE DOCTRINE OF

NON-EXPATRIATION.

TO WHICH IS ADDED, A CORRECT LIST OF

IMPRESSED SEAMEN,

TAKEN FROM DOCUMENTS LAID BEFORE CONGRESS.

ADDRESSED TO THE PEOPLE OF THE U. STATES,

BY A CITIZEN OF BALTIMORE.

BALTIMORE: PRINTED BY AND FOR C. DOBBIN & MURPHY,
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1806.

OBSERVATIONS

ON THE

IMPRESSMENT OF

AMERICAN SEAMEN, &c.

" ARE ye not mark'd by all the circ'ling world
As the great stake, the last effort for liberty ?
Say, is it not your wealth, the thirst, the food,
The scope and bright ambition of your souls ?
Why else have you, and your renowned forefathers,
From the proud summit of their glitt'ring thrones,
Cast down the mightiest of your lawful kings
That dared the bold intringement ? what but liberty
Aloof hath held invasion from your hills,
And sanctified their shade ? and will ye, will ye,
Shrink from the hopes of the expecting world ;
Bid your high honors stoop to *Foreign insult*,
And in one hour give up to infamy
The harvest of a thousand years of glory ?"

GUSTAVUS VASA.

THERE is no observation more frequently made, or more solidly founded in truth, than that the legitimate end of every government, is the happiness and protection of the governed. In the discussion of questions of dubious policy, or abstract morality, the mind often wanders in the labyrinth

of doubt and uncertainty, and its aberrations are sanctioned by the perplexing obscurity of the objects of its contemplation. But this is a position, so obvious and universal, that like a self-evident truth, it spurns at logical deduction, and is equally impressed, with endemic modifications, on the mind of the houseless savage and the learned civilian. Since then one of the principal ends of the institution of government is the protection of its citizens, it follows as a necessary consequence and corollary, that they have an indisputable claim upon the government to vindicate their rights and liberties whenever they are invaded by foreign or domestic violence. And it should be remembered that every citizen, however subordinate in the scale of the community, has an equal claim with the most powerful, to this important right, a right with which he is invested by the civil compact, and which is as virtually attached to the naturalized, as to the native citizen. These considerations naturally occur to the mind as it reflects on the tyrannical oppression practised on American Seamen, by ships of war and vessels, commissioned by, and acting under the authority of, Great Britain.—The magnitude of the fleets of that nation, which almost bridge the ocean, gives her an uncontrouled superiority on that element, which seems destined to be the peculiar theatre of her glory.

" Divisum imperium cum Neptuno Britannia habet."

Hence she possesses the power, and seldom wants the inclination, (as her conduct towards America

sufficiently evinces) to distress the commerce of neutral nations, by capturing and condemning their vessels and property, under false and frivolous pretences, or by inflicting a *deadlier wound* on their national prosperity, by the impressment of their seamen. The former of these injuries, to the Argus eyes of interest, has assumed of late so alarming an aspect, and is so destructive in its indiscriminate operation, of the commercial interests of our country, that it has become the subject of petition and remonstrance to the government, from every part of the union,* and forms at this moment, the most important object of congressional deliberation.

It is not, however, the intention of the writer of these remarks, to expatiate on the capture and confiscation of American property by Great Britain; nor to discuss an important question of the law of nations, arising out of, and necessarily connected with, the extraordinary inhibitions of that power: Able pens, and more enlightened minds are engaged in the toilsome investigation, and will no doubt illicit truth from the collision of argument. But he begs leave to offer a few remarks on the impressment, and forcible detention, by the British, of our useful and brave fellow-citizens, the seamen of America. Deeply impressed, with the importance of the subject, and sincerely lamenting the indignities offered to our country, of which, indeed, every day,

* Witness the memorials from Boston, Salem, New-York, Philadelphia, Baltimore, Norfolk, Charleston, &c.

as it passes, furnishes some new and humiliating examples ; he will give his observations, defective as they may appear, openly and without reserve to the public :— He has no personal injuries to complain of, no party interest to promote, no private resentment to gratify : and trusts that his remarks will be read as they are written, with candor and impartiality.

In the possession of a vast extent of fertile territory, it has ever been the policy of the government of the United States, to encourage emigration from all parts of the globe ; a benign and happy policy : which offers to the oppressed and unfortunate of all nations, security under mild and equal laws, and ample scope for honest exertion. This, as we shall hereafter endeavour to shew, was not a novel procedure in the history of nations, nor a measure peculiar to, nor devised by, the United States. Naturalization and denization are equally known and sanctioned in Europe, whence, in fact, the idea of the measure was borrowed by America. In pursuance of this policy, the general government declared by several acts,* (altered and amended at different periods) that emigrants from foreign countries to the United States, after a certain probationary residence, and complying with the requisitions of said acts, should be admitted to the rights and privileges of American citizens.

It is scarcely necessary to state, that in consequence of the encouragement and protection held out to

* See the Acts of Congress

emigrants by our government, thousands of our poor and oppressed fellow men, embraced the pleasing offer of peace and security in our country, and fled from the devastations of that storm, which for thirteen years, with one temporary intermission, has darkened and desolated Europe. America became the ark of repose for the wearied and oppressed of that devoted quarter of the world, where war and devastation stalk hand in hand, through uncultivated fields and deserted villages. A great part of those who thus emigrated to our shores, were admitted in due season to the rights of citizenship. And the American government became bound in duty and in honor, to extend the same protection to her naturalized, as to her native citizens. For the instant that they are admitted to the rights of citizenship, the national faith becomes pledged for the assertion and maintainance of their rights and liberties, as citizens of the United States.

The rapidity with which the wealth and commerce of America have increased, since her separation from Great Britain, a rapidity unequalled in the history of nations, has far exceeded the hopes of her friends, and the calculations of her rivals. The sun does not shine on a corner of the commercial world where her flag is not displayed, nor the winds raise a wave, which is not cleft by her keels. Her importance among nations was commensurate with her domestic property, and surveying, from afar, the war and tumult which were rending Europe asunder, and con-

templating, with gratitude to the divine author of all good, the distinguished blessing of her own security, she might exclaim in the language of the poet.

Suave, mari magno turbantibus æquora ventis,
E terra, magnum alterius spectare laborem :
Non quia vexari quemquam est jucunda voluptas,
Sed quibus ipse malis careas, quia cernere suave est."*

Lucretius Book 2d.

The increase of her *native* population, however, could not keep pace with the increase of her commerce; nature having fixed limits to the multiplication, though not to the enterprize, of man. The demand for seamen increased as her commerce extended itself, her native sailors could not supply the demand; wages rose to an uncalculated height; and the deficiency in the crews of her merchant vessels, was supplied, in many instances, by foreigners and emigrants to America; among whom were some native born subjects of the king of Great Britain, who sought to ameliorate their condition by renouncing their country for ours, and becoming citizens of the United States.

Great Britain, envious of the growing greatness of America, or unwilling that she should participate in branches of commerce which she considered her exclusive property, (for what other construction can

* " 'Tis pleasant, when the seas are rough, to stand
And view another's danger, safe at land;
Not 'cause he's troubled, but 'tis sweet to see
These cares and fears, from which ourselves are free.

Creech's Translation.

reason give to her conduct) commenced a system of outrage and depredation on the American flag, for which a parallel must be sought in the history of barbarous and savage nations.

Her ships of war boarded our vessels on the high seas, and in the harbours of friendly nations, treated their officers with the most contemptuous abuse, intimidated them by threats of personal violence, which in many instances, were carried into effect,* and tyrannically impressed their crews, which by the law of nations are protected by a neutral flag. Instances are not unfrequent, in which they have left the officers of vessels, exposed to the danger of the seas for want of hands to navigate their ship, or to perish on that element for want of food, being rendered incapable of making any port whatsoever, on account of the loss of their crews. To justify these extra-

* The writer of these remarks can safely state, without the danger of contradiction, that in the month of March or April in the year 1801, an American captain, in the island of St. Bartholomews, (then lately captured by Admiral Duckworth) was taken out of his own vessel, which he had chartered to the British government, to bring water from St. Kitts for the use of the British troops, and carried on board an English sloop of war then in the harbour, and was, by order of her *russian* commander, (Younghusband†) without any cause or provocation whatever, tied to a gun, and received 20 or 30 lashes from a boatswain's mate. He applied for redress, and, as might be expected, obtained none.

† This fellow, we hear, has since been promoted to the command of a frigate,

ordinary violations of the rights of a neutral and friendly nation, Great Britain, ever prolific in expedients, had recourse to the subtlety and finess of her civilians. Those legal conduit pipes, through which the will of the government is conveyed, declared, That the right of expatriation never existed but in the imaginations of modern innovators. That no British subject could renounce his allegiance to his king, by any act of his own, not even by swearing allegiance to another power; that the king has a constitutional right to the physical exertions of his subjects in time of war, and in every emergency in which he may think proper to command them. And consequently that the commanders of British ships of war were justified in examining the crews of the vessels of neutral nations on the high seas, and impressing all persons found on board of them who were natives of any part of his Britannic majesty's dominions. A doctrine so tyrannical in principle, so unsupported by reason, and so restrictive of the natural freedom of man, scarcely deserves the respect of refutation. However, since it has received the sanction of a judicial decision* in our country, a decision which

* On the trial of Isaac Williams, in the district court of Connecticut, February 27, 1797, for accepting a commission under the French Republic, and under the authority thereof committing acts of hostility against Great Britain, the defendant alleged, and offered to prove that he had expatriated himself from the United States, and become a French citizen before the commencement of the war between France and England. This produced a question as to the right of expatriation; when Judge

every American, and every friend to humanity must read with indignation, we will beg leave to make a few observations, and quote the opinions of a few but respectable writers on the subject to shew, that this doctrine stands as unsupported by authority, as it is repugnant to natural reason. Among the civilians of that nation who have laboured to interpolate this singular doctrine into the code of

Ellsworth, then chief justice of the United States, it said to have delivered an opinion nearly to the following effect.

“ The common law of this country remains the same as it was before the revolution. The present question is to be decided by two great principles ; one is, that all the members of a civil community are bound to each other by compact ; the other is, that one of the parties to this compact cannot dissolve it by his own act. The compact between our community and it's members is, that the community shall protect it's members, and on the part of the members, that they will at all times be obedient to the laws of the community, and faithful in it's defence. It necessarily results that the members cannot dissolve this compact, without the consent or default of the community. There has been no consent—no default. Express consent is not claimed ; but it is argued that the consent of the community is implied, by it's policy—it's conditions—and it's acts. In countries so crowded with inhabitants, that the means of subsistence are difficult to be obtained, it is reason and policy to permit emigration ; but our policy is different ; for our country is but scarcely settled, and we have no inhabitants to spare.

“ Consent has been argued from the condition of the country, because we were in a state of peace. But though we were in peace, the war had commenced in Europe. We wished to have nothing to do with the war ; but the war would have something to do with us. It has been extremely difficult for us

nations, the learned judge Blackstone is the most eminent, and will therefore command our attention. "It is a principle of universal law (says that skilful jurist) that the natural born subject of one prince cannot by any act of his own, no not even by swearing allegiance to another, put off, or discharge his natural allegiance to the former."

Blac. Com. vol. 1, page 369.

Mr. Tucker, the erudite annotator on Blackstone's Commentaries, in his refutation of the principle here laid down, informs us on the authority of Plato, that at Athens it was lawful for every man, after he had to keep out of this war; the progress of it has threatened to involve us. It has been necessary for our government to be vigilant in restraining our own citizens from those acts which would involve us in hostilities. The most visionary writers on this subject do not contend for the principle in the unlimited extent, that a citizen may, at any, and at all times, renounce his own, and join himself to a foreign country.

"Consent has been argued from the acts of our government permitting the naturalization of foreigners. When a foreigner presents himself here, we do not inquire what his relations is to his own country; we have not the means of knowing, and the inquiry would be indelicate; we leave him to judge of that. If he embarrasses himself by contracting contradictory obligations, the fault and folly are his own; but this implies no consent of the government that our own citizens should also expatriate themselves. It is, therefore my opinion, that these facts which the prisoner offers to prove, in his defence, are totally irrelevant," &c. The prisoner was accordingly found guilty, fined and imprisoned. See the account of his trial, National Magazine, No. 3, p. 254. I presume not to answer for the correctness of it. Tucker's Blac.

examined the laws and customs of the Republic, if he did not approve of them, to quit the city, and retire where he pleased with his effects.* By the constitution of the Roman Commonwealth, no citizen could be forced to leave the Commonwealth; or, if he pleased not to leave it, when he was made a member of another which he preferred to it. And therefore Cicero says, that a little before his remembrance, several citizens of Rome, men of credit and fortunes, voluntarily left that, and settled themselves in other commonwealths. And the way, says he, lies open from every state to ours, and from ours to every other. This right he extols in the most emphatic manner. "What noble rights!† which by the blessing of Heaven have been enjoyed by us and our ancestors ever since the state begun, that none of us should be forced to leave our country, or stay in it against our will. This is the immoveable foundation of our liberty, that every man is master of his own right, and may keep it, or resign it as he pleases."‡ These instances, says Mr. Tucker, which

* Tucker's Blackstone, part 2d, vol. 1, page 190.

† O jura præclara, atque divinitus jam inde á principio Romani nominis á majoribus nostris comparata, nequis monstrum plus quam uniue Civitatis esse possit, nequis invitus Civitate mutetur; néve in Civitate maneat invitus. Hac sunt fundamenta firmissima nostræ libertatis, sui quemquam juris et retinendi et dimittendi esse doimnum. *Oratio pro L. Cornelio Balbo.*

‡ Tucker's Blac. part 2d. vol. 1. appendix, page 191, and Barlemaqui, Natural Law, 2d part, page 95.

are cited by Puffendorf* on this subject, prove at least that this principle was neither to be found in the Athenian or Roman institutions.

Vattel† who discusses this question with his accustomed logical precision, says, there are cases in which a citizen has an absolute right to renounce his country and abandon it entirely. If the citizen cannot procure subsistence in his own country he is doubtless permitted to seek it in another. For the political or civil society being entered into only with a view of facilitating to each the means of living in happiness and safety, it would be absurd to pretend that a number whom it cannot furnish with such things as are most necessary, has not a right to leave it.‡ And again, the right of emigration may arise from several sources.§

After adducing many instances in which the right of emigration (or as it is called, expatriation) is secured to the subject, Vattel proceeds to state the various customs of some modern nations in this respect. The citizens of Neufchatel and Valengen, in Switzerland, may quit the country and carry off their effects in what manner they please; a citizen of Berne may,

* Law of Nature and Nations, Book 8, Chap 11.

† "One of the most correct professors of public law." Sir William Scott, in the judgment in the case of the Swedish ship *Maria*, High Court of Admiralty, 1799.

‡ Vattel's Law of Nations, Book 1, ch. 19, sec. 223.

§ Ibid, sec. 225.

if he pleases, remove to Fribourg, and reciprocally, a citizen of Fribourg may go and settle at Bern, and he has a right to take all his effects with him.* On the other hand it appears from several historical facts, particularly in the history of Switzerland, and the neighbouring countries, that the law of nations, established there by custom for some years past, does not permit a state to receive the subjects of another state into the number of its citizens. *This vicious custom, says Vattel, had no other foundation than the slavery to which the people were then reduced. A Prince, a Lord, considered his subjects in the rank of his property and riches, he calculated their number as he did his flocks, and to the disgrace of human nature, this strange abuse is not yet every where destroyed.*†

Burlemaqui, treating of the duties and rights of citizens, delivers his opinion on this subject as follows: It is a right natural to all free people, that every one should have the liberty of removing out of the Commonwealth, if he thinks proper. In a word, when a man becomes a member of a state, he does not for that reason entirely renounce the care of himself and his own affairs. On the contrary he seeks a powerful protection, under the shelter of which he may procure to himself both the necessaries and conveniences of life. Thus the subjects of a state cannot be denied the liberty of settling elsewhere, in order to procure the advantages which they do not find in

* Vattel, book 1, ch. 19, sec. 225, and Tucker's Blackstone, part 2d, vol. 1, appendix, page 92. † Ibid.

their native country.* And again,† some make a question whether subjects can go out of the state in great companies? In this point Grotius and Puffendorf are of opposite sentiments.‡ As for my own part (he continues) I am of opinion, that it can hardly happen that subjects should go out of the state in large companies, except in one of the two following cases: either when the government is tyrannical, or when a multitude of people cannot subsist in the country; as when manufacturers, for example, or other tradesmen cannot find the means of making or distributing their commodities. In these circumstances, the subjects may retire if they will, and they are authorized so to do, by virtue of a tacit exception. If the government is tyrannical it is the duty of the sovereign to change his conduct, for no subject is obliged to live under tyranny. If misery forces them to remove, this is also a reasonable exception against the most express engagements.§

The profound Mr. Locke, than whom no higher authority can be produced on this or any other subject that once engaged his inquisitive research, positively denies the existence of a right in governments

* Burlemaqui's Natural and Political Law, vol. 2, part 2 ch. 5, sec. 12. † Ibid, sec. 16.

‡ Grotius of the Right of War and Peace, Book 2d, ch. 4, sec. 24; and Puffendorf of the Law of Nature and Nations, book 8, ch. 11, sec. 4.

§ Burlemaqui, vol. 2, part 2d, ch. 5, sec. 16.

to prohibit the emigration of their subjects or citizens. There are no examples, says he, so frequent in history, both sacred and profane, as those of men withdrawing themselves and their obedience from the jurisdiction they were born under, and the family or community they were bred up under, and setting up new governments in other places.* This has been the practice of the world from the first beginning to this day—nor is it now any more hindrance to the freedom of men, that they are born under constituted and ancient politics, that have established laws and set forms of government, than if they were born in the woods, amongst the unconfined inhabitants that run loose in them. For those who would persuade us, that by being born under any government, we are naturally subjects of it, and have no more any title or pretence to the freedom of the state of nature, have no other reason, (bating that of parental authority), to produce for it, but only because our fathers or progenitors passed away their natural liberty, and thereby bound up themselves and their posterity to a perpetual subjection to the government which they themselves submitted to. It is true, that whatever engagements or promises any one made for himself, he is under the obligation of them, but cannot, by any compact whatsoever,

* Essay on Civil Government, book 2d. section 115.—London edition, 1689.

bind his children or posterity.* For his son, when a man, being altogether as free as the father, any act of the father can no more give away the liberty of the son, than it can to any body else. He may indeed annex such conditions to the land he enjoyed as a subject of any commonwealth, as may oblige his son to be of that community, if he will enjoy those possessions which were his father's; because the estate being the father's property, he may dispose or settle it as he pleases.†

And this has generally given the occasion to the mistake in this matter, because commonwealths not permitting any of their dominions to be dismembered, nor to be enjoyed by any but those of their community, the son cannot ordinarily enjoy the possessions of his father, but under the same terms his father did, by becoming a member of the society—whereby he puts himself presently under the government he finds there established, as much as any other subject of that commonwealth. And thus the *consent* of freemen, born under governments, *which* only makes them members of it, being given separately in their turns, as each comes to be of age, and not in a multitude together; people take no notice of it, and thinking it not done at all, or not necessary,

* Also Grotius.—“By the bare law of nature, no man is bound by the fact of another, but he that inherits his goods.” Book 3d. ch. 2d.

† Locke, Essay on Civ. Govern. b. 2d. sec. 116.

conclude that they are naturally subjects as they are men.*

In the case of Talbut against Janson,† decided in the supreme court of the United States, at August term, 1795, in which the right of expatriation was ably discussed, it was contended for the appellant, as follows;—"The right of expatriation is antecedent and superior to the law of society. It is implied, likewise, in the nature and object of the social compact, which was formed to shield the weakness, and to supply the wants of individuals—to protect the acquisitions of human industry, and to promote the means of human happiness. Whenever these purposes fail, either the whole society is dissolved, or the suffering individuals are permitted to withdraw from it. There are two memorable instances of the expatriation of entire nations (independent of the general course of the patriarchal or pastoral life) the one in ancient, and the other in modern story. When the Persians approached Athens, the whole Athenian nation embarked in the fleet of Themistocles, and left Attica, for a time, in possession of the Persians. (Plut. in Vit. Themist. Trav. of Anachar. 1 vol. page 268.)

In the year 1771 a whole nation of Tartars, called

* Locke, sec. 117.

† See this case reported at length in Dallas's Reports, vol. 3d. We do not quote the whole argument, which is prolix, but only such parts of it as were considered most applicable to our subject.

"Tourgouths," making fifty thousand families, or three hundred thousand souls, emigrated from the banks of the Wolga, in Russia, and, after a progress of inconceivable difficulty, settled in the dominions of the emperor of China, who hospitably received them, and erected a monument on the spot, to commemorate the event. (Col. Mag. for Feb. 1788) — But the abstract right of individuals to withdraw from the society of which they are members, is recognized by an uncommon coincidence of opinion—by every writer, ancient and modern; by the civilian, as well as by the Common Law Lawyer; by the Philosopher as well as the Poet—it is the law of Nature and of Nature's God, pointing to "the wide world before us, where to chuse our place of rest, and Providence our guide."—(2 Bynk. 125. Wickfont, b. 1 c. 2. p. 116. Grot. b. 2. 5. § 24 et c. lii.) With this law however, human institutions have been often at variance; and no institutions more than the feudal system, which made the tyranny of arms the basis of society; chained men to the soil on which they were born; and converted the bulk of mankind into the villeins, or slaves of a lord, or superior. From the feudal system, sprung the law of allegiance; which pursuing the nature of its origin, rests on lands; for when lands were *all* held of the crown, then the oath of allegiance became appropriate: it was the tenure of the tenant or vassal. (Blac. Com. 366) The oath of fealty, and the ancient cast of allegiance, were, almost the same; both resting on lands; both

designating the person to whom service should be rendered ; though the one makes an exception as to the superior Lord, while the other is an obligation of fidelity against all men. (Black. Com. 2. 53. Pal. 140) Service, therefore, was also an inseparable concomitant of fealty, as well as of allegiance. The oath of fealty could not be violated without the loss of the lands ; and as all the lands were held mediately, or immediately, of the sovereign, a violation of the oath of allegiance, was, in fact, a voluntary submission to a state of outlawry. Hence arose the doctrine of perpetual and universal allegiance. When, however, the light of reason was shed upon the human mind, the intercourse of man became more general and more liberal ; the *military* was gradually changed for the *commercial* state ; and the laws were found a better protection for persons and property, than arms. But even while the practical administration of government was thus reformed, some portion of the ancient theory was preserved ; and among the other things, the doctrine of perpetual allegiance remained, with the fictitious tenure of all lands from the crown to support it. Yet, it is to be remembered, that whether in its *real origin*, or in its artificial state, allegiance as well as fealty rests upon *lands*, and it is due to persons. Not so, with respect to citizenship, which has arisen from the dissolution of the feudal system ; and is a substitute for allegiance corresponding with the new order of things. Allegiance and citizenship differ, indeed, in almost every

characteristic. Citizenship is the effect of compact ; allegiance is the offspring of power and necessity. Citizenship is a political tie ; allegiance is a territorial tenure. Citizenship is the charter of equality ; allegiance is a badge of inferiority. Citizenship is constitutional ; allegiance is personal. Citizenship is freedom ; allegiance is servitude. Citizenship is communicable ; allegiance is repulsive.

Among the nations, in which the law of allegiance is most firmly *established*, the most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which under every modification of government, must be paid to the inherent rights of man. In Russia the volunteers who supply the fleet with officers, or literary institutions with professors, are naturalized in Poland ; an American citizen has been made chancellor to the crown. In France, Mr. Sartine, who was minister of Marine, and Mr. Necker, who was Minister of Finance, were adopted, not native subjects. In *England*, two years service in the navy, ipso facto, endows an alien with all the rights of a native. These are tacit acknowledgements of the right of expatriation vested in the individuals ; for though they are instances of adopting, not of discharging subjects ; yet, if *Great-Britain* would (ex gratia) protect a Russian naturalized by service, in her fleet, it is obvious that *she cannot do so without recognizing his right of expatriation to be superior to the Empress's right of allegiance.* But it is not only

in a negative way that these deviations in support of the general right appear. The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous sovereign. Thus Lewis XIX. received his own quondam subjects, the two Fidlers, as ambassadors. Dr. Story, an Englishman, was sent to England as the minister of Spain. And in many nations the conditions on which an expatriation may be effected (such as paying a tax, or leaving a portion of property behind) are actually prescribed.

To pursue the subject one step further: A man cannot owe allegiance to two sovereigns, 1 Blac. Com. he cannot be a citizen of two nations. If a man has a right to expatriate, and another nation has a right and disposition to adopt him, it is a compact between the two parties, consummated by the oath of allegiance. A man's last *will*, as to his citizenship, may be likened to his last will, as to his estate, it supercedes every former disposition; and when either takes effect, the party in one case, is naturally dead, in the other, he is civilly dead; but in both cases, as good Christians and good Republicans, it must be presumed he rises to another, if not to a better life and country."

To this eloquent and irresistible argument, which does honor to the tongue that uttered it, and the pen that recorded it, it would be arrogant to subjoin any

remarks of our own ; we will only observe in recapitulation of the reasoning contained in it, and in the writings of the civilians herein before quoted, that every man is invested by the law of nature, with the right to emigrate from the country or state in which he was born, and withdraw himself from the jurisdiction of any civil establishment or society in which he may have been bred,* in order to promote his own happiness and welfare. That this is one of the most important rights with which he is invested by his Creator, at his birth, and is a right of which he can never be lawfully deprived. That the exclusive right of property being a creature of civil or positive law, may be affected by the same means by which it was created by the *lex loci* where it is enjoyed : but liberty as well as life being the immediate gift of God, and a right strictly natural, can never be lawfully restrained but by the consent of the individual, expressly by his voluntarily becoming a member of a civil establishment, or by any other mode by which his consent is declared. And in the case where the consent of the individual is ascertained, the power which a prince may exercise over his lands and possessions, cannot be construed to give him any right over *his person* : Neither can a prince or government in whose territories a man happens to be born, claim any right to detain him therein, merely because *he first saw the light there*, as

* Si qui exire (civitate) volunt, consulere sibi possunt. *Cicero*.

Mr. Locke has most clearly shewn, the most that he can do, is to prohibit him from carrying his property with him; which if lands he cannot, and if goods he may not, (if the laws of the state forbid it) carry away without the consent of the government.*

Mr. Tucker, who displays in his examination of this doctrine of non-expatriation, the liberal sentiments of a philanthropist, and the laborious research of a scholar, concludes his remarks on this subject as follows: "From the whole that we have seen, it appears that the right of emigration, or as I rather choose to call it, expatriation, is a right strictly natural."† Deplorable indeed would be the condition of humanity, if the converse of this proposition were established. The beasts of the field and the tenants of the forest might then, with reason, boast of a superiority over the pseudo lord of the universe; and man, proud man, would find himself the only being in creation whose wanderings are limited, or whose freedom is restrained.

* Tuck. Blac. vol. 2, part 1.

† Ibid, page 96.

The writer of these remarks acknowledges with pleasure, that he has derived much information on this subject from Mr. Tucker's learned note before referred to, entitled, "The Doctrine of Expatriation Considered." He has chosen, in many instances, to make use of Mr. Tucker's own words, as the judicious observations of that venerable judge on this subject, would suffer by being clothed in any language but his own.

It is therefore evident that this doctrine of non-expatriation has, as we have shewn, neither the sanction of reason nor authority to support it : that it is set up in direct contradiction to the opinions of the most respectable and profound civilians of Europe, of Vattel and Burlimaqui, of Puffendorf and Locke : that it must be classed among the many unjustifiable expedients of Great Britain, to aggrandise her ambition at the expence of justice : and finally, that it can never be considered as establishing a right on which to found a legitimate reclamation by that power, of persons who were born in the dominions of his Britannic Majesty, but who have, agreeably to our municipal laws, become citizens of the United States.

Great Britain, however asserts, that many of her natural born subjects, employed in our merchant service, were never admitted to the privileges of American citizens ; and consequently, that although the doctrine of expatriation were universally recognised (which she declares she never will accede to) she still retains a right to search for and seize such her subjects.

To this it may be answered, first, that the circumstance of their emigrating from their own country and domiciliating themselves in ours, is a sufficient, though tacit manifestation of their intention of incorporating themselves with our citizens, and relying on our government for protection when sailing in American vessels. Secondly, that a neutral flag on

the high seas has ever been considered a safeguard to those sailing under it, who are not *enemies in military service* to the belligerent searher. The general freedom of the high seas and of neutral vessels navigating them has long been admitted by the general consent of nations, with such exceptions only as are annexed to it by the law of nations. And this general freedom of the high seas cannot be more strongly proved than by the exceptions which the law of nations, in certain cases, has made to it. *Exceptio probat regulam.* Great Britain must then produce such an exception in the law of nations (in which law she as a nation has long acquiesced, and by which she must be bound) in favour of the right she contends for, or must shew that it is secured to her by treaty or stipulation. We believe, however, that she will search in vain for such an exception, reserving to her this right, and that she will find it in no usage but her own.

The law of nations has established that neutral flags do not protect certain objects denominated contraband of war,* including *enemies serving in the war*,

* That the commerce of neutral nations may subsist in all the freedom which the laws of war will admit, there are rules to be observed, and on which Europe seems generally to be agreed. Commodities particularly used in war, and the importation of which to an enemy is prohibited, are called contraband of war. Such are *arms, military and naval stores, horses*, and even provisions in certain junctures, where there are hopes of reducing the enemy by famine—Vattel, book 3, ch. 7. These are some

nor articles going into a blockaded port, nor enemys property of any kind.* But no where is to be found, as our secretary of state justly observes, an exception to this freedom of the seas, and of neutral flags, which can justify the taking away any person, not *an enemy in military service*, found on board a neutral vessel.

Here then we join issue with the advocates of this principle, and call upon them to produce, in the code of nations, a single exception, by which this pretended right to impress the crews of neutral vessels is secured to a nation in time of peace or war. We positively deny that such an exception exists, and the *burthen of proof*, from the relative situation of Great Britain and America, and the nature of the claim, necessarily rests on the former. We believe,

of the exceptions to the general freedom of neutral vessels on the high seas. But we search in vain in the works of this able civilian, and of the other writers on this subject, for an exception in favour of the right claimed by Great Britain.

7 Effects belonging to an enemy, found on board a neutral ship, are seizable by the rights of war ; but by the laws of nature the master is to be paid his freight, and not to suffer by the seizure. Ibid.

And Bynkershook, "*ratione consultâ, non sum qui videam, cur non liceret capere res hostiles† quamvis in navi amicâ repper- tas, id enim capio, quod hostium est, quodque jure belli victori cedit. Questionum Juris Pulici, liber 1, ch. 14.*

† But he says nothing of the right to impress persons found on board.

however, that the labor of research, the distortion of principle, or the subtlety of argument will avail her nothing. The law of nature and reason, stand forth to oppose her. Sophistry may mislead and credulity may be abused, but reason, like its divine author, will be eternally the same.

The right of belligerents to visit neutral vessels at sea, though controverted by many nations, at different periods,* is not at this time denied by America. It is therefore not a matter of irrelevant inquiry what are the ends intended to be accomplished by this right of visitations and what is the nature and extent of this right ?

Sir William Scott in the judgment pronounced by him in the case of the ship *Maria*,* in the High

* Il fut déterminé (dans les 14^{me} et 15^{me} siècles) qu'on n'auroit plus égard au propriétaire de la cargaison, mais à celui du vaisseau ; qu'un vaisseau neutre ne pourroit plus être arrêté parce qu'il auroit à board des marchandises ennemies, & encore moins parce qu'il seroit destiné pour quelque port ennemi.

Schlegel.

See also the convention for the re-establishment of an armed neutrality, between his majesty the king of Sweden, of the one part, and his majesty the emperor of all the Russias on the other part, concluded and signed at St. Petersburg, the 4th (16th) December, 1800, accepted and ratified by his Swedish majesty on the 20th of December, and by his imperial majesty of all the Russias on the 8th (20th) December, in the same year.

† This was one of a fleet of Swedish merchantmen, carrying pitch, tar, hemp, deals, and iron, to several ports of France, Portugal, and the Mediterranean, and taken, January, 1798, sailing under convoy of a ship of war ; and proceeded against for resistance of visitation and search by British cruisers.

Court of Admiralty, 11th June, 1799, assigns the reasons for the existence of this right, and accurately defines its limits. " This right, says Sir William, of visiting and searching merchant ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destination, is an incontestable right of the lawfully commissioned cruizers of a belligerent nation. I say, be the ships, the cargoes and the destinations what they may; because till they are visited and searched it does not appear what *the ships*, or *the cargoes*,* or *the destinations* are; and it is for the purpose of ascertaining these points, that the necessity of this right of visitation and search exists. The right must unquestionably be exercised with as little of personal harshness and vexation in the mode as possible; but soften it as much as you can, *it is still a right of force.*"

In this solemn and premeditated declaration of the grounds and extent of the right of visitation in belligerents, made by the ablest civilian now living in Great Britain, and who, from his official situation cannot be considered very willing to extend the privileges of neutrals, or abridge those of belligerents; it is most clearly laid down, that the right exists for the purposes (and it may fairly be inferred for the purposes only) of ascertaining *what are the ships*, *what are their cargoes*, and *what are their destinations*.

* Will it be contended that seamen are included in the word " cargoes ?"

If this right had been reserved by the law of nations for another important purpose, viz. for the purpose of impressing the natural born subjects of the power to whom the belligerent searcher belongs, would the circumstance, the erudite, the didactic Sir William Scott, presiding in the highest court of admiralty jurisdiction in his country, and vindicating and stretching the privileges of belligerents, while the eyes of Europe were turned towards him, have omitted to enumerate this, one of the most important purposes, for which this right of visitation was reserved? Let those who are acquainted with the depth of his erudition, the retention of his memory, and the capacity of his mind, answer the question.

Let us now advert to treaties, and endeavor to discover in them a reservation of this right of impressment, which is searched for in vain in the law of nations.

In the treaty of Paris, concluded between Great Britain and the United States on the 13th of Nov. 1782, not a word is to be found, relating in any manner to this important claim. By the Treaty of Amity, Commerce and Navigation, between his Britannic Majesty and the United States of America, signed at London the 19th November, 1794, it was stipulated by the twenty-eighth article, "That his Majesty and the United States on mutual requisition, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to jus-

tice all persons, who, being charged with *murder* or *forgery*, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place wherein the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed.”*

This is the only instance in which Great Britain has reserved a right to claim any of her subjects who have emigrated to the United States. And it is allowed her by the treaty, in this particular instance, for the best of reasons, and for the most salutary purposes; for the punishment of such as have, by *their crimes*, forfeited all claim to that protection from society. to which every other member of it is entitled. But surely we will not be told, that it reserves to Great Britain a right to impress the crews of our merchant vessels, or that she has a right, under this article of the treaty, to claim or forcibly take any of her former subjects, by sea or land, but such as have been guilty of *murder or forgery*.

It is a maxim of reason as well as of law, and a faithful guide for interpretation, that “*designatio unius est exclusio alterius.*” Every right, therefore, to claim or seize her fugitive subjects, which Eng-

* If the treaties of Great Britain with the different nations of Europe be examined, it will be found, that she has not, in a single instance, reserved in any of them the right she contends for.

land wished to reserve, she has, by the above article expressly reserved.* Every right which she has not thereby reserved, and which is not secured to a belligerent by the law of nations, she has thereby virtually disclaimed and disavowed.

Whether, therefore, we search for the foundation of this claim in the law of nations, which is a rule independent of compact, by which the sovereigns of the civilized world consent to be governed, or examine the treaties and stipulations of Great Britain, with our own or other governments, it equally eludes our most inquisitive investigation. It is in fact, a founding unknown among nations since the abolition of the feudal system, but adopted by Great Britain as the legitimate offspring of royal prerogative.

It is not our intention to examine the right exercised by Great Britain of impressing her own subjects in her own territories. We do not wish to multiply quotations, nor to tire our readers with trite or uninteresting disquisitions. It might, however, afford entertainment as well as instruction to observe, for a moment, the obvious contrariety of opinion discernible in the writings of *English* lawyers on this subject.

“As to the impressing of seamen, it is strange that its lawfulness should ever be called in question

* That is, every right, except those rights secured to belligerents by the law of nations and the rights of war.

by any person who has read our history or statute book. The crown has been in possession of it from time immemorial." Molloy *de jure Maritimo et Navali*, vol. 1, ch. 6, page 139.

From the positive manner in which Molloy asserts the existence of this right, we might be led to believe, that *English writers*, at least, were unanimously agreed on this subject. It will be found, however, that the contrary is the fact—Sir Edward Cooke, (who it is to be supposed read the history of England and the statute book) says, 2 Inst. page 47, "*the king cannot send any subject, against his will, out of the realm, not even into Ireland, for then under pretence of service, he might send him into banishment.*"

In Hails' Pleas of the crown, it is declared, "repugnant to the liberty of an Englishman, and irreconcilable to the established rules of law, that a man, without any offence by him committed, or any law to authorise it, should be *hurried away like a criminal from his friends and family, and carried by force into a dangerous service.*" Vol. 2, page 679.

This right then has been called in question, "by those who had read the history of England and the statute book."

That the crown has not been in possession of this right "from time immemorial," is sufficiently proved by the parliament having passed different statutes at different periods, giving to the sovereign a special

power to impress soldiers and seamen.* These statutes were of temporary duration, and expired at the period limited for their continuance. If the crown had been in possession of this right "from time immemorial," it was superfluous to pass statutes confirmatory of a right already inherent in the crown: if it was not by custom or common law an appendage of regal prerogative, then it was created by, and expired with the statutes.

Let us here pause, and pausing let us reflect on the errors and inconsistencies which bewilder the mind, and mislead the understanding of man, when once he departs from the plain road of common sense, and shuts his eyes to the lights of truth and natural reason.

We have now in a cursory manner, examined whether this right, contended for by Great Britain, of impressing persons on the high seas, from neutral vessels, be warranted by the law of nations; that is, by those principles of natural law and reason, which are relative to the conduct of nations; such as are approved by the most eminent civilians, and practised by states the most enlightened and refined. We have referred to her treaty with our own and foreign

* 16 Charles I. ch. XXIII. XXVI.]

2 and 3 Ann, ch. 6, sec. 16.

3 and 4 do. ch. XI.

4 do. ch. X.

5 do. ch. XV.

6 do. ch. X.

governments, and can, no where discover, even the shadow of a reason supporting her claim: indeed, like a point in mathematicks, it has neither length, breadth, nor thickness; and may, not unaptly be compared to the imaginary horizon, formed by the delusion of the eye, which exists but in fancy, and flies as it is pursued.

But even were Great Britain entitled to the services of her natural born subjects, who have withdrawn themselves from her jurisdiction, and renounced any pre-existing allegiance to her, (which she is not, as we have shewn, and on the best grounds) yet her claim becomes peculiarly inadmissible, when we examine the mode in which it is enforced, and view it in its consequences and effects. She professes to claim only such persons as were born in the British dominions, and yet indiscriminately seizes on board our vessels, American as well as English seamen. And as the number of the latter employed in our navigation bears but a very small proportion indeed to the former, she impresses at least fifteen Americans for one Englishman. To prove this we assert, on the authority of a report of our secretary of state to congress, that during the late war "two thousand fifty-nine seamen had been impressed by Great Britain, from American vessels. Of which number *one hundred and two seamen only* were proved to be British subjects, which is less than one twentieth of the number impressed. Eleven hundred and forty-two were *ordered* to be discharged as not being British

subjects, which is more than one half of the whole number, leaving eight hundred and five for further proof, with the strongest presumption that the greater part, if not the whole, were Americans, or other aliens, whose proof of citizenship had been lost or destroyed, or whose situation would account for the difficulties and delays in producing it. So that it is certain, that for all the British seamen gained by this violent proceeding, more than an equal number were the victims; it is highly probable, that for every British seaman so gained, a number of others, not less than ten for one, must have been the victims; and it is even possible that this number may have exceeded the proportion of twenty to one.”*

We cannot more forcibly shew the injustice of this practice, so long continued by Great Britain, or more feelingly portray the hardships and miseries produced by it, than by quoting the words of our secretary of state, from the letter before referred to. And we are happy in being able to substitute the ideas of so enlightened a mind on this important subject, in the place of any which might occur to our own.

“ Taking reason and justice, says Mr. Madison, for the tests of this practice (of impressing seamen from American vessels) it is peculiarly indefensible; because it deprives the dearest rights of persons of a regular trial, to which the most inconsiderable article

* See “ Extract of a letter from the secretary of state, to James Monroe, Esq. dated 5th January, 1804.

of property, captured on the high seas, is entitled to and leaves their destiny to the will of an officer, sometimes cruel, often ignorant, and generally interested by his want of mariners, in his own decisions. Whenever property found in a neutral vessel is supposed to be liable on any grounds to capture and condemnation, the rule in all cases is, that the question shall not be decided by the captor, but be carried before a legal tribunal, where a regular trial may be had, and where the captor himself is liable to damages for an abuse of his power. Can it be reasonable then, or just, that a belligerent commander who is thus restricted, and thus responsible, in a cause of mere property of trivial amount should be permitted, without recurring to any tribunal whatever, to examine the crew of a neutral vessel, to decide the important question of their respective allegiance, and to carry that important decision into instant execution, by forcing every individual he may choose into a service abhorrent to his feelings, cutting him off from his most tender connections, exposing his mind and his person to the most humiliating discipline, and his life itself to the greatest danger? Reason, justice and humanity unite in protesting against so extravagant a proceeding."

It has been stated in congress, and is a fact which cannot be denied, that in the short space of two years (since the commencement of the present war Great Britain has impressed three thousand of our seamen, whom, at this moment, she detains in captivity. The

annexed list of impressments, procured from the office of the secretary of state, is a sufficient proof of the truth of this statement. This list forms a record of outrage and injustice, unexampled in the history of modern times. It is a melancholy proof, (if proof were required of a fact so universally known) that our country has received the grossest insults and the most vital injuries; insults and injuries which loudly call upon the government for redress, and which it is bound to redress, whatever dangers or difficulties it may be necessary to encounter, in order to obtain reparation. Notwithstanding the repeated remonstrances of our government to Great Britain, on this subject, she still persists in this system of maritime kidnapping, with unremitting severity. Every day is ushered and closed with some new instance of oppression. Not a vessel arrives in any port of the continent which does not reiterate the complaints of our gallant countrymen. It has been eloquently observed by a member of the general government, that "the groans of our impressed fellow citizens mingle with the murmurs of every gale from the ocean."*

* Mr. Elliot. This gentleman and a few others, particularly Mr. Crowninshield, Mr. Clay, Mr. Nicholson, Mr. Gregg, and Mr. Sloan, merit the thanks and gratitude of American seamen, for the lively interest they have taken in their cause, and the resolutions they have brought forward to effectuate a speedy redress of their sufferings. We are sorry to find, that a leading member from an important state in the Union, who could so feelingly sympathize in the sufferings of a *convicted traitor*,† has not em-

† *Fries.*

There is not a sailor on board an American vessel, whether lying in a port accessible to British ships, or traversing the ocean, who is not in perpetual danger of sharing the fate of his unfortunate countrymen. Whether he is a father, a husband, a brother or a child, on whom perhaps an helpless family depends for subsistence, he cannot be sure that he will escape in this general scene of oppression and injustice.

Surely then it is time to take efficient measures to stop the further progress of this wide spreading calamity, and to vindicate the violated rights of our country. We have already drunk a copious draught of national degradation, and have purchased by our apathy the privilege of repentance. Let us now, at least, though late, remember that while we render justice to other nations, we should not forget to do justice to ourselves: and that when our rights are invaded, we should act with promptness, energy and decision. To suffer the present session of Congress to close without adopting efficient measures to procure the immediate liberation of our impressed seamen, would be justly considered a tacit acquiescence under the present system of British oppression. Our government might as well, at once, declare in the language of treachery, but of truth, that they withdrew all protection from a numerous body of the

employed the available talents he possesses in the cause of our injured seamen. We recommend to this gentleman's frequent perusal the line of the poet: "*Homo sum, humani nihil a me alienum Puto.*"

community, the American seamen, and tell them, that "although you have an indisputable claim upon us to vindicate your rights, and although the nation has derived incalculable advantages from your exertions, and has hitherto flourished by your enterprise, yet we feel no solicitude for your personal interests; and prefer to sacrifice your freedom, and compromise the dignity of our national character, to the danger of incurring the frowns of the minions of St. James'.

Oh! may such sentiments never be harboured, as they dare not be expressed by the rulers of a free and enlightened people.

We cannot, however, believe, that there is a member of our national councils who does not reciprocate our sentiments on this distressing and humiliating subject. If, however, there be one among that body, whose bosom does not heave, and whose heart does not bleed, at the recital of the sufferings of his impressed fellow citizens, let him, we beseech him, for a moment suppose, that he hears the heartfelt shrieks of the miserable wife piercing his ears, and entreating him in accents of rage and despair, to restore to her her impressed husband, the father of her children, and her only support. Let him view, in imagination, the aged and helpless parent, in accents of sinking woe, misery and distress, bewailing the loss of a dutiful and beloved son; and if he is not filled

with horror and indignation at the various ills and miseries inflicted and inflicting, contrary to every principle of law, justice, and humanity, on our impressed fellow citizens, then has he the heart of a tyger, and the spirit of a sycophant.

But we will not, we cannot, for the honour of our country believe, that our government will contemplate unmoved the sufferings of a brave and deserving body of men, that they will suffer them any longer to languish in captivity. We trust that the national spirit *is not dead but sleepeth*, and hope that before the close of the present session it will wake from its slumber. It has indeed motives which might serve "to warm an ague's frost," to rouse it to resistance.

It is not our desire to inflame the passions of our fellow citizens; but we would impress them with a sense of their national interests and honour. We entertain no narrow prejudices against Great Britain as a nation; but we feel an honest indignation at the insults she has offered to, and the injuries she has inflicted on our country; as the friends of civilization and literature we must wish her every legitimate success. She has been for many ages the great magazine of arts, the favourite abode of science, and the prolific parent of exalted genius; and it gives us pain to reflect, that by her maritime depredations, she has tarnished her glory and sullied her renown. We should be sorry to see her conquered, but we would wish to see her restrained; we consider her a

necessary barrier to the unbounded ambition of her contiguous rival, and sincerely hope that she will terminate her contest with him, with honor to herself and advantage to Europe: but if, however, the period of her dissolution is at hand, which we devoutly deprecate, let her not, like a falling tower, involve others in her ruin.

Having now, though but imperfectly, discharged a duty which we assumed on ourselves from the most disinterested motives, and to which we were prompted by the critical situation of our country, we have only to obtest the government to vindicate, by speedy, temperate, but firm measures, the outraged dignity of the nation. To shew to the world that if we have long suffered wrongs we are now determined to repel them; and that if we have hitherto been solicitous for peace, it is not because we are weak or timid, but because we are actuated by moderation and humanity.

Should, however, the numberless instances of national indignity and individual oppression to which we have so long submitted, neither dissipate the apathy, nor command the interposition of the government, in vain do we boast of the superiority of our constitution over those of other nations; a constitution which has hitherto been an object of envy and admiration to the civilized world: and the lover of his country will see with regret this beautiful fabrick, raised with so much care, and cemented by so much

patriot blood, afford another melancholly proof of the instability of human institutions : its foundations will be shaken and its beauty tarnished, and it would not be a false though distressing anticipation to pronounce, that the period is not far distant when it will cease to command the support or solicitude of freemen.

The writer of these remarks ardently prays, that such painful anticipations may never be fulfilled ; and in veneration of our noble constitution, sincerely exclaims in the dying words of Father Paul to his country, *esto perpetua*.

A STATEMENT

Of applications made to the British Government, in cases of Impressments, from the 1st September, 1804, to 11th May, 1805, by George W. Erwing, esquire.

Thomas Moody	Joseph Duke Gobble
John Cotrill	Robert Crosbie
John Maguire	William Nugent
James White	Dower Carlon
John Gilmore	Philip Lyman
Benjamin Chaloner	Abm. Hanaird
Robert Oakes	John Johnson
John Harcum	John White
Henry Stone	Robert Corbin
Charles King	John Norris
Peter Thomson	John Morris
Edward Steward	George Gibson
Jonathan Archer	William Buck
George Warberton	Thomas White
John Tucker	Joseph Masters
John M-Kaig	Thomas Forbes
John Illey	Peter Forrest
James Millon	William Hunter
Thomas Irwin	William Finlay
William Innis	John Thompson
Daniel Brown	Peter M-Caw
John or Thomas Howes	George Withurn
Daniel Rofs	Jos. Thompson
Thomas Morris	Daniel Newburry
George Horne	Josh. Brown
George Watfon	Andrew Mansfield
John Lean or John Lion	William Aiken
Henry Knight	Thomas Challis
Wm. Ackley or Ashley	Geo. Hilbert or Starbert
Thomas Freeman	William Remmick, alias
Hiram Candy or Kennedy	Gyer

John Johnson	John Jackson
James Walth	John D. Swift
Jonathan Emery	Jettro Fowler
John Taylor	Efau Dominick
George Kamat or Kennat	Samuel M'Crea
Joseph Wildman	James Gesson
Benjamin Pafs	Jonathan Cook
James Manning	James Reid
James Cothe or Cotrel	Liff Young
James Baker	Gerard Harfins
Francis Lemott	Thomas Aikin
Andrew Anderson	George Wabby
Henry Parker	Richard Hielt
Andrew Tucker	Andrew Hyer
Thos. Harvey or Harney	John Edwards
Andrew Kuhn	Joseph Melena
John Johnson	Samuel B. Spencer
George Walker	James Conolly
Francis M. Migoer, or	John Rendels
Miligan	John Bradley
Joseph Godfrey, or God-	Peter Dolman
sey	John or Thos. M'Donald
Peter Robinson	Reuben Bessell
Ebenezer Compton	John Haniford
James Edmonds	James Brown
John Smith	Thomas Earle
Martin Colford	William Davis
John, alias James Brown	Peter Newlan
John Johnson	Richard Dawson
John Barry	Blake Peircy
Thomas Harvey	Thomas Jackson
John Williams	Peter Coffin
Joseph Thomson	John Johnson or Jones
Daniel Johnson	William Barnes
John Plymouth	Thomas Sheffield
John Stewart	Richard Reed
Joseph Wills	James Harris

John Johnson	Jacob Abbin
Daniel S. Martin	Robert Fielding
George Woods	Joseph Stack
Wm. alias Thos. Barnes	Joseph Coles
William Jones	Eliphat Ruffel
Daniel Merideth	William Shanks
Ebenezer Pinkham	Richard Wilson
Samuel Matton	William Bray
John Grant	John M'Avoy
William Brown	George Watfon
William Busby	William Greene
Daniel Dixon	Edward Spencer
Martin Hellet	Dennis or Daniel Carney
Jonathan or John Hackett	James White
John Owens	Peter Lauries or Lewis
James M'Clackland	Samuel Mitchell
John Miller	Samuel Bailey
Thomas Pennock	Thos. Knight or Wright
Edward Pipping	John Edwards
Joseph Peirson	James Long
John Smith	Richard Shays
John Robinson	Benedict A. Butler
Peter Harris	Thomas Brown
James Featherstone	James Thomas
William Sculla	William Simpson
William Mines	William Johnson
Charles Robinson	Thomas Parsons
William James	Joseph Trowbridge
Henry Weeks	William Taylor
Francis Thompson	Peter Wilfon
John Hathaway	Andrew Scott
John Downey	William Johns or Wil-
Philip Ford, alias Caroline	muth Johnson
John Brack, alias Brock	Benjamin Mosley
William Godfrey	Manuel Depra
Joseph Williams	John Biercroft
William Wilfon	Christopher Docou

John King
 George Wood
 George Slater
 Daniel Hearn
 William Buskell
 John Clements
 Benjamin Hunt
 William Wilson
 John Dunn
 Alexander Black
 Urquhar Fogerty
 John Hyde
 William Harvey
 William Moultry
 John King
 John M'Gee
 Charles Lymburg
 James Robinson
 Thomas Southeck
 Elias Wood
 Samuel Lockwood
 John Norberry
 Abraham Hodson
 Alexander Payne
 Rowd. Peirce
 Barns. Norris
 Joseph L. Wilson
 Thomas Wright
 Rust Backer
 William Smith
 Charles Pettingel
 John Thomson
 George Mars
 Thomas S. Pollock
 Thomas Woods
 George Buntick
 Joseph Mucklewaine

George Robinson
 Charles Bushnell
 John Pumas
 John Greene
 Nicholas Boylston
 Thomas Jackson
 John Hays, alias John
 Williams
 Robert Hudging
 Frederick Jones
 John Davis
 William Watts
 Philip Keg
 John Finley
 Robert Cook
 William Kegs
 William Cozzens
 Henry Jackson
 Charles T. Gould
 William Hughes
 Martin Hynes
 James Driskell
 Lindsey Heady
 George Farrington
 Henry Jackson
 Chas. Bowen or Brown
 Benjamin Hatch
 Thomas R. Green
 John G. Olin
 Seth Barton
 John Smith
 George Tabb
 Enoch Roberts
 Joshua Small
 Joseph Lewis
 Thomas Williams
 William Thompson

George A. Avery	Thomas Fowley
Robert Elliott	James Gardner
Jerome Napivet	Daniel Teal
Matthew Brown	George Williams
Reuben McKinsey	John Joy
Muffee Day	Benjamin Linsey
Simon Day	William Clark
Peter Baker, alias Peter Scott	Joseph Price
George Smith	John Childs
Chrstr. Tillinghast	John Mayor
William Loofely	Henry Niles
Abram Williams	Henry Stone
Edward Moodie	Jesse Emmons
Michael Gill	Ebenezer Carter
Samuel Tufts	William Hall
Ephraim McIntire	Major Smith
John Thomas	Peter Harvey
James Carlon	Abram Lott
Robert Dow, jun.	Bristow Jackson or John- son
Cuthbert Gill	Benjamin Rogers
Samuel Hodges	William Townsend
John Trusty	Robert Craig
John Williams	Jacob Blake
George Collins	John Donaldson
Dennis Welsh	Joseph Thompson
Benjamin Roundy	Charles Lewis
Augustus Lafarch	Levi Hall
John Baker	Joseph or Thos. Junichet
Clement Coffin	Middleton Bartley
James Neale	James Pitcher
Daniel Greene	Caleb Smith
James Kelly	John Jackson
Jesse or John Gray or Grayless	John Reiley
Robert Coulson	Ebenezer Turner
	William Simpson

Charles Lowe, alias Love	Robert M'Curdy
James Cox	Wm. Spencer or Spence
William Smith	John Arenberg
Charles Lobban	James Smithar
Thomas Foreman	Eleazer D. Bray
George Weaver	John Smith
John Elliott	Alexander Waddy
David Watts	B. S. Caldwell
William Hard	Thomas Gauflin
John S. Murray	Samuel Cooper
John Trainer	Gilbert
Robert Banentine	Abraham Morgan
Joseph Namer	Peter Smith
Alexander Adams	

STATEMENT

Of applications made to the British Government, in cases of Impressments from the 18th May to the 26th September, 1805, by William Lyman, esquire.

John Whitehead	William Pitt Oliver
Thomas Frazer	John West
Daniel M'Millan	Samuel Shephard
William Bryant	Samuel Larcbee
William M'Collister	Martin Pain
Thomas Lane	James Kinsley
John Baines	James Fowler
David Clifflin	John Smith
John Rose or Ross	John Davis
Joseph Frazer	John Dixon
David Newark	John Webster
John Richie	Daniel Robertson
William French	William White
John Lock	William Duay

John Hederick
 Joseph Rowlan
 John Rhoads
 Martin Wolf
 Thomas Griffiths
 Caleb Starkens
 James Smith
 William Gibbs
 James Murray
 Joseph Reid
 Samuel Bunker
 James Minzies
 Absalom Simkins
 Daniel Paine
 Matthew Dawson
 Jonathan Medley
 Daniel Williams
 James Dingey
 Thomas Goodwin
 Cato Decasta
 John Connor
 James Burnes
 Alexander Downey
 John Murray
 John Scheib
 John S. Colburn
 Jera. Williams
 Enoch Newcomb
 William Clough
 Philip Conroy
 Edward Billingsman
 Daniel Patterson
 James Smith
 John Davis
 Thomas Congdon
 Daniel French
 Peter Sergeant

Benjamin Davidson
 William Rhodes
 Charles Kennedy
 Henry Manchester
 James Butler
 John Hunt
 John Cook
 William Ricraft
 John Dennis
 Christopher Beckman
 Thomas Osborn
 William Breton
 William Stockdale
 William Atlen
 William Parrott
 William Weatherland
 John Handley
 Robert Rogers
 Edward Barry
 John Vincent
 Thomas Smith
 John Smith
 Thomas Mooney
 John Borney
 James Guy
 John Lucker
 Lemuel Beale
 Robert Morris
 George Wood
 John Rolla
 Thomas Walds
 Gilbert Lowen
 Thomas Sanxton
 Thomas —
 John Thomas West
 Jesse Boyd
 John Brown

William Witham
 John Hatton
 Richard Lisle
 William Watts
 Thomas Bowyer
 Joseph Burnes
 John Scott
 James Banister
 John Multhrop
 John Gordon
 John Driscoll
 Samuel L. Sherman
 John Brown

Anthony Huifler
 William Eaton
 Richard P. Tongue
 Wm Sharr, alias Shaw
 Michael Hewitt
 Robert Morney
 William Summers
 Jonathan Curtis
 Adam Brown
 Thomas Boyd
 Robert Warnock
 Wm. Burnham, jun.

STATEMENT

Of applications in cases of Impressment, made immediately to the Department of State, and not before reported to the House of Representatives, or included in Mr. Erving's or Mr. Lyman's returns to this office.

John Atkinson
 Martin Akens
 Sylvanus Alford
 Henry Killburn
 Elijah Armstrong
 Atten John
 James Allen
 Wm. Aubie
 Bennet Ashford
 Antonio J. Rogers
 Jamer Allen
 Ed. Lowry
 Thomas Allen
 Jas. Davidson

George Weir
 Samuel Bishop
 James Chambers
 John Croit
 John Beatty
 Daniel Campbell
 John M'Connagy
 Andrew Anderson
 Thomas Froit
 Thomas Randal
 John Patterson
 Wm. Bayle
 John Outerside
 Robert Blaway

Jenkin Killan	Samuel Bunker
John Patterson	Amos Thop
John Woolridge	Jacob Beird
Wm. Brown	Henry Beauman
John Buffington	Thomas Butler
Geo. Burns	George Bryant
James Barber	John B. Brown
Josh. Baker	Malcolm Bruce
Enoch Clark	John Bowman
Josh. Bartlett	Laurence Brown
John Blackburn	John Blume
John Anderson	John Evans
Wm. Rysell	Joseph L. Worthy
John Bloomser	Thomas Knapp
Geo. Bradshaw	David Brown
James Brown	Robert Brown
Thomas Born	Noah Becks
Samuel Breede	William Gray
Joht Butler	Joseph Beal
John Bishop	John Bar
Nathan P. Brook	Charles Brown
Abram Myers	John Brown
John Burk	Andrew Clow
William Brown	William Calvert
David Baxter	Hugh Harris
David burk	Robert Williams
John Bolt	John Harman
James Brown	Jere. Culver
William Newton	Robert Carther
John Courtney	John Clark
Francis Coffin, jun.	Thomas Cook
Henry Cobb	George Wilfon
Thomas Clark	Caleb Carr
Joseph Clancy	Peter Coyle
Thomas Cox	John Coleman
Laurence Clark	James Cullimore
John Clark	Robert Thomson

Henry Christ
 William Cox
 Patrick Cunningham
 — Croceton
 John Campbell
 Thomas Doyle
 Ed. Ryly
 John Dixon
 John Davis
 Michael Davis
 John Dixson
 Peter Devering
 James Macray
 John Douglas
 Josiah Doane
 John English
 William Shepperd
 Michael Davis
 John Frazer
 John Francis
 George Fisher
 Flenny John
 Ed. Girrells Griggs
 James Garven
 John Neal
 Walter Holliday
 John Holmes
 Henry Hall
 John Howard
 William Hopkins
 Samuel H—s
 William Ha
 Thomas Holland
 Josh. Hunt
 Thomas Hutton
 George Hutton
 James Hart

Daniel Carmichael
 John Crawford
 James Deane
 Isaac Day
 Isaac Dick
 James Davis
 Henry Wood
 Thomas Denney
 John Chamberlain
 John Thompson
 John Eaton
 John Edwards
 John Erving
 Joseph Ellingwood
 John Edwards
 Amos Follansbee
 Barnet Foland
 George Frazer
 Richard Thomas
 John Manuel
 Martin George
 James Giles
 Caleb Hastings
 D. M. Hogan
 John Harlam
 Patrick Hollohan
 Hyer Godfrey
 Patrick Hogarty
 Samuel D. Hayle
 Jacob Heller
 Edward Killum
 Frederick Kline
 James Kennard
 James Kennedy
 D. H. Ketcham
 George Manning
 Leonard Johnson

James Love
 Nathaniel York
 Jacob Connel
 John Shaw
 George Atkinson
 Ed. Simpson
 Nathaniel Moore
 Elisha Markam
 James Matthews
 James Mash
 Ed. Mooney
 Philip Miligan
 Richard F. Moore
 George Manning
 William Mount
 Elisha Morris
 Peter Douglas
 Henry Matthews
 William Morro
 Nathaniel Mosher
 John M'Donald
 Andrew M'Donald
 John M'Evoy
 William Moore
 Matthew Barton
 William Mason
 John Webster
 Henry Mayo
 George Sterving
 Jos. Cornelius
 Benjamin Moales
 John Martin
 William Clark
 William Orr
 Peter Lawless
 William M'Clure
 Peter Anderson

James Jones
 James Johnson
 Abel Sisco
 William Jones
 James Johnson
 Samuel Johnson
 Richard Johnson
 Leonard Johnson
 George Atkins
 John Dixon
 John Smith
 William Warner
 Azor, an indented servant
 In. C. Davis
 John Westerby
 John Shelton
 Samuel Ingle
 John Johnson
 Samuel Jackson
 Thomas Jones
 Oliver Blackwith
 John Taylor
 Thomas Jackson
 John Jackson
 Gridley Lewis
 Daniel Landerkin, jun.
 William Leeman
 William Liddle
 G. H. Christian
 Jos. Anthony
 Charles Thompson
 Samuel Litchfield
 John Little
 James Whitney
 Abram. Linard
 Eugene Elmstead
 Rufel Davenport

Robert Allen
 John Jacobs
 John Odlin
 Anthony Powers
 George Pinder
 James Pointer
 John Prin
 John Planton
 William Pitman
 John Potter
 John Portland
 James Robbins
 Henry Pearson
 Josh Pearson
 John Parker
 Henry Palmatre
 Robert Deighton
 George Fleming
 William Park
 George Pender
 John Peters, jun.
 David Porter
 John H. Rictout
 Samuel Robinfon
 Christian Moldenham
 Christian Lowman
 Richard Rimmer
 John Rudemaker
 Stephen Rumfey
 Thomas Rogers
 Ole Hanson
 Johan Lozawat
 Hans Davidfon
 William Robbins
 Thomas Robinfon
 James Overton
 Thomas Weeks

John Simonfon
 John Sheany
 Josh. Snow, a mate
 William Smith
 Daniel Talmage
 Andrew Stagpole
 John Andrews
 John Tillinghast
 Charles Smith
 William Smith
 Charles Stewart
 John Shaw
 John Backam
 John Roberts
 William Cole
 James Jones
 Thomas Wood
 Thomas Wife
 Robert Smith
 John G. Zenas
 William Watfon
 Luke White
 Wallace
 Hans Lovery
 Samuel Wells
 John White
 John Williamd
 Philip Squires
 Francis Cox
 Leonard Findley
 Thomas R. Green
 Jesse Cadwell
 Andrew Ewell
 Ed. Averell
 Ed. Hayes
 Joshua Wright
 William Brown

Robert Williams	Henry Pearson
John Ward	George Alho
James White	John Bell
William Stanley	Charles Davis
John Williams	Freeman Swain
Joseph White	Patrick Welsh
John H. Swinns	William Skinner
John Spiers	William Smith
Tristham Spencer	Robert Brown
Alexander Stanton	Samuel Howard
Otrick Barnwell	Andrew Richee
Luther Tracy	William Right
Andrew Moore	Jack Bowier
Samuel Moore	Samuel Gain
Francis Davis	Thomas Auld
William Thomas	Thomas Williams
John Schneider, jun.	Joseph Murrall
John Seabton	James Cornish
William Tucker	John Williams

STATEMENT

Of Impressed Seamen, made by William Savage, Esquire,
to the Department of State.

James Stanford	William Robbins
Thomas Crammer	John Steward
John Pearson	Michael Wales
William Brown	William M'Donald
William Anthony, jun.	John Davis
John G. Serafton	Martin Woolfe
Nathaniel Huston	Robert Thompspon
Joshua L. Worthy	Daniel Teill

John Marshall
 William Pickering
 John Murray
 James Morgan
 Edward Buckingham
 Littleton Warren
 John Dennis
 Thomas Flour
 John Cook
 — Burns
 Christopher Beekman
 Thomas Ratcliff
 Peter Holmes
 Peter Ribble
 William Cripps
 Archibald Fisher

Daniel Whitehouse
 Gordon Minet
 John Thomson
 William Byroft
 John Hunt
 John Smith
 Stephen Hall
 Robert Masters
 Freeman Swain
 Elias Dickinson
 Thomas Behell
 Holster Fowle
 James Smith
 Stephen Bradbury
 Aaron Dill

By the same statement it appears, that on the 3d May, 1804, three passengers from Galway, in Ireland, to New York, were impressed into the British frigate *Cambrian*

In the month of June of the same year, three passengers were impressed into the British sloop of war *Driver*.

On the 13th July of the same year, six passengers from Liverpool, were impressed into the frigate *Cambrian*.

In August of the same year, eighteen passengers, from Belfast, in Ireland, were impressed into the same frigate

In the same month, thirteen passengers, from the same place, were impressed into the British sloop of war *Hawk*.

Altogether, making forty-three passengers taken from American vessels.

It may not be improper to add another instance of impressment, in that of fourteen seamen, and one passenger, from the *British* ship Pitt, on the 17th June, 1804, in the harbour of New York, by the British frigate Cambrian.

The Statement of Impressments of American Seamen into the British Service, laid before Congress on the 19th January, 1805, contains a list of *seventeen hundred and thirty-three* seamen. That statement contained the names of such persons *only* as had made application to be released; and it may fairly be inferred, that there were as many more impressed, who had not an opportunity of applying to our government, or any of its agents, for redress.

FINIS.

ERRATA.

Page 3, line 22, for illicit, read elicit; page 7, 2d line from the bottom, for property, read prosperity; page 8, 18th line, for native born, read natural born; page 28, note 7th, for Bynkershook, read Bynkershoek; page 34, 9th line, for Cooke, read Coke.

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